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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SC12850ZC	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>October 20, 2005</u> Signature <u>Stacie Herrera</u> Typed or printed name <u>Stacie Herrera</u>		Application Number 10 / 689,240	Filed 10/20/03
		First Named Inventor Samay P. Kapoor et al	
		Art Unit 2817	Examiner Henry Choe
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,711</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		Signature <u>David G. Dolezal</u> Typed or printed name David G. Dolezal Telephone number (512) 996-6839 Date <u>10/20/05</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>5</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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11

Number of Pages (including this page)

Date: October 20, 2005

To: Henry Choe - 2817

Location: United States Patent and Trademark Office

Fax No.: (703) 872-9306

From: David G. Dolezal - 41,711

Subject: 10/689,240- Samay P. Kapoor

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MESSAGE:

Enclosed herewith, please find a FORMAL AMENDMENT for filing in the below-identified application.

ALL ITEMS MARKED WITH AN "X" ARE INCLUDED:

1.	x	1 page Facsimile Cover Sheet
2.	x	4 page Statement of Reasons for Pre-Appeal Brief Review
3.	x	1 page PTO/SB/33 Form
4.	x	1 page Notice of Appeal
5.	x	1 page Petition for Extension of Time (in duplicate)
6.	x	1 page Fee Transmittal (in duplicate)

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PLEASE GIVE THESE PAPERS TO:

EXAMINER: Henry Choe
GROUP ART UNIT: 2817
SERIAL NO.: 10/689,240
FILED: OCTOBER 20, 2003
INVENTOR: SAMAY P. KAPOOR

OCT 20 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	Samay P. Kapoor et al.	GROUP ART UNIT:	2817
APPLN. NO.:	10/689,240	EXAMINER:	Henry Choe
FILED:	October 20, 2003		
TITLE:	AMPLIFIER CIRCUIT		

Certificate of Transmission under 37 CFR 1.8

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on

October 20, 2005

Slacie Herrera
Signature

Slacie Herrera
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STATEMENT OF REASONS FOR PRE-APPEAL BRIEF REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated June 15, 2005, and Examiner's comments with regard thereto, Applicant(s) herewith submit a Pre-Appeal Brief Request for Review and an accompanying Statement.

STATEMENT

Claims 1-29 are pending.

Claims 5-8, 18-23, and 28 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 4, and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Samay et al., U.S. Pat. No. 5,276,406 (Samay). Claims 13, 16, 17, and 24 stand rejected under 35 U.S.C. 102(b) over Liu, U.S. Pat. No. 6,236,274 (Liu). Claims 2, 3, 10, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Samay. Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Samay in view of Yip, U.S. Pat. No. 6,664,871 (Yip). Claims 14, 15, 27, and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Liu.

Rejection of claims

Applicants are maintaining their positions set forth in the Remarks section of the Response of April 25, 2005 (Response) and in the Response to Final Office Action of September 12, 2005.

However, for this Statement, Applicants would like to focus their comments on dependent claims 4, 9, 16 and 25.

As set forth above, claims 4 and 9 are rejected under 102(b) over Samay. Claim 16 is rejected under 102(b) over Liu. There is no rejection of claim 25 set forth in either the First Office Action or the Final Office Action.

Applicants respectfully contend that the rejections of claims 4, 9, and 16 under 102(b) are improper in that not all of the limitations of these claims are cited in the 102(b) references (Samay, Liu) of which these claims are being rejected. The rejection of claim 25 is improper in that there is no rejection set forth in the Final Office Action.

Claims 4 and 9

Regarding claims 4 and 9, neither the First Office Action dated January 25, 2005 (First Office Action) nor the Final Office Action dated June 15, 2005 (Final Office Action) set forth a prima facie rejection under 35 U.S.C. 102(b) in that Samay does not disclose all of the limitations of dependent claims 4 and 9.

Page 2 of the First Office Action identifies capacitor C7 of Samay as a low frequency decoupling capacitor. However, nowhere in the description of Samay does it state that capacitor C7 is a tantalum capacitor. Accordingly, claims 4 and 9 are not anticipated by Samay.

Page 2 of the Office Action states that "capacitor C7 in Fig. 1 of Samay et al is functionally equivalent to the claimed tantalum capacitor and ceramic capacitor." However, functionally equivalent is not a proper standard for rejection under 35 U.S.C. 102(b).

Furthermore, Applicants respectfully submit that the use of a tantalum capacitor for a low frequency decoupling capacitor is a non obvious limitation that may provide a benefit over a circuit utilizing other types of capacitors. As Applicants have set forth in the Specification as originally filed, one advantage of using a tantalum capacitor for a low frequency decoupling capacitor is that a tantalum capacitor provides a relatively lower self resonant frequency than a ceramic capacitor of the same capacitance. This may result in the low frequency decoupling capacitor having a relatively higher impedance at the carrier frequency and therefore a relatively lesser effect on the output signal path in some embodiments. See paragraph 0025 of the Specification. Because Samay does not disclose these features, Samay can not be used to suggest that capacitor C7 is a tantalum capacitor.

Accordingly, claims 4 and 9 are allowable over Samay.

Claim 16

Claim 16 stands rejected under 35 U.S.C. 102(b) over Liu, U.S. Pat. No. 6,236,274 (Liu).

Regarding claim 16, neither the First Office Action nor the Final Office Action set forth a prima facie rejection under 35 U.S.C. 102(b) in that Liu does not disclose all of the limitations of dependent claim 16.

Page 3 of the Office Action identifies capacitor 21 of Figure 4 of Liu as a low frequency decoupling capacitor. However, nowhere in the description of Liu does it state that capacitor 21 is a tantalum capacitor.

Page 3 of the Office Action states that "capacitor 21 in Fig. 4 of Liu is functional equivalent to the claimed tantalum capacitor and ceramic capacitor." However, functionally equivalent is not a proper standard for rejection under 35 U.S.C. 102(b).

Accordingly, claims 16 is not anticipated by Liu. Accordingly, claim 16 is allowable over Liu.

Claim 25

The First Office Action and the Final Office Action do not set forth a rejection for claim 25 over the prior art of record. Accordingly, claim 25 is allowable.

Conclusion

Applicants respectfully solicit allowance of the pending claims. If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

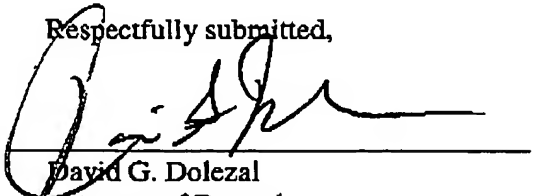
Respectfully submitted,

SEND CORRESPONDENCE TO:

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Law Department

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By:


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